

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
MEMBERS: DEAN AUSILIO  
ROGER KRZEMINSKI  
KENNETH MEERSCHAERT, SR.  
JOA PENZIEN  
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant  
Larry Dloski, Township Attorney  
(Additional attendance on file with Clerk)

Call Meeting to order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll Call.

Member AUSILIO present at 7:10 p.m.

Member KRZEMINSKI present at 7:15 p.m.

2. Approval of Agenda Items. (*With any corrections*)

**MOTION by THOEL seconded by MEERSCHAERT to approve the agenda as submitted.**

**MOTION carried.**

3. Approval of the March 2, 2004 previous Meeting Minutes

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**MOTION by MEERSCHAERT seconded by THOEL to approve the March 2, 2004 previous Meeting Minutes.**

**MOTION carried.**

**AGENDA ITEMS:**

4. Special Land Use; Fire Station No. 3; Located on the west side of North Avenue approximately 1500' north of 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-26-426-008.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Macomb Township along with CDPA Architects Inc representative.

Public Portion: Tom Fydryk, a Township resident, discussed with Clerk KOEHS the area undeveloped on the proposal, and also discussed the possibilities of relocating the southern access road for Township resident uses.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Special Land Use; Fire Station No. 3; Macomb Township, Petitioner. Permanent Parcel No. 08-26-426-008. This motion is based upon the Planning Consultants recommendations as follows:**

**It is recommended that the Special Land Use permit be approved since the provision for a fire station is a necessary community facility for this neighborhood. The proposal of the fire department meets the intent of the Macomb Township Master Plan.**

**MOTION carried.**

5. Site Plan; Fire Station No. 3; Located on the west side of North Avenue approximately 1500' north of 21 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-26-426-008.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Macomb Township along with CDPA Architects Inc representative.

Public Portion: None.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

Member THOEL discussed the need for a left turn by-pass lane on the eastern side of North Avenue, 8' sidewalks, and the proposal plans for the buffer areas to adjacent residential areas.

**MOTION by KOEHS seconded by AUSILIO to approve the Site Plan; Fire Station No. 3; Macomb Township, Petitioner. Permanent Parcel No. 08-26-426-008. This motion is based upon the Planning Consultants recommendations as follows:**

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**Supervisor's Office.** Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.

**MOTION carried.**

6. Site Plan; Beaumont ACC/POB; Located on the northeast corner of Hall Road and Tilch Road; William Beaumont Hospital, Petitioner. Permanent Parcel No. 08-31-400-040 & 045.

Petitioner Present: Bob Kirk

Mr. Kirk requested that the matter be tabled due to issues involving the proposal's parking and landscape plans.

Clerk KOEHS along with Members THOEL and KRZEMINSKI addressed their concerns regarding the proposal's parking, greenbelt, adjacent property and the Hall Road access drive.

**MOTION by AUSILIO seconded by KOEHS to table indefinitely at the petitioners request for the Site Plan; Beaumont ACC/POB; William Beaumont Hospital, Petitioner. Permanent Parcel No. 08-31-400-040 & 045.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**MOTION carried.**

7. Special Land Use; Stratford Plaza; Located on the southeast corner of 23 Mile Road and Card Road; Icon Building II Co. Inc., Petitioner. Permanent Parcel No. 08-23-100-015.

Jerome R. Schmeiser, Community Planning Consultant, stated that the Special Land Use for Stratford Plaza is not necessary.

Petitioner Present: Frank Salamone and Gordon Wilson of Anderson Eckstein Westrick.

Mr. Salamone requested that this item be deleted from this agenda of March 16, 2004.

**MOTION by KOEHS seconded by KRZEMISNKI to delete this item from this agenda of March 16, 2004 at the petitioners request; Special Land Use; Stratford Plaza; Located on the southeast corner of 23 Mile Road and Card Road; Icon Building II Co. Inc., Petitioner. Permanent Parcel No. 08-23-100-015.**

**MOTION carried.**

8. Site Plan; Stratford Plaza; Located on the southeast corner of 23 Mile Road and Card Road (except the immediate corner); Icon Building II Co. Inc., Petitioner. Permanent Parcel No. 08-23-100-015.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval with the added condition that the petitioner proceed with the proper filing of the three Cross Access Easement Agreements in connection with this property. Permanent Parcel No. 08-23-100-015.

Petitioner Present: Frank Salamone and Gordon Wilson of Anderson Eckstein Westrick.

Member AUSILIO discussed with Mr. Schmeiser and petitioners the plans involving the acceleration and deceleration lanes for 23 Mile Road.

Clerk KOEHS informed and verified with the petitioners the added condition pertaining to the cross access easement agreements as discussed.

Mr. Wilson stated that he is aware of the added condition involving the Cross Access Easement Agreements as discussed.

Member THOEL discussed his concerns regarding the areas of the 100 year flood plain in connection with the proposal.

Member AUSILIO reviewed the plans for the southwest corner of the proposal.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

Public Portion: None.

**MOTION by AUSILIO seconded by THOEL to approve the Site Plan; Stratford Plaza; Located on the southeast corner of 23 Mile Road and Card Road (except the immediate corner); Icon Building II Co. Inc., Petitioner. Permanent Parcel No. 08-23-100-015. This motion is based upon the Planning Consultants recommendations as follows:**

- 1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
- 2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**
- 3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.**
- 4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.**
- 5. Sidewalks to be provided to the satisfaction of the Township Engineer.**
- 6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
- 7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township



MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**Supervisor's Office.** Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That in the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
22. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
23. That the sign is not a part of this approval.
24. That the petitioner establishes a cross access agreement granting access through subject parcels along the north property line. The exact location for the cross easement agreement shall be noted on the site plan. The language must be reviewed and approved by the Township Attorney and recorded with the Macomb County Register of Deeds.

**MOTION carried.**

9. Special Land Use; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for the Special Land Use / Site Plan/ Ground Sign; Brann's Steakhouse & Grille.

Petitioner Present: Jeffrey Parker, Chad Finley and Todd Doyle.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

Mr. Doyle held further discussion with the Board describing the Brann's Steakhouse & Grille restaurant.

Public Portion: Several Township residents adjacent to the proposal stated their concerns regarding the location and appearance of the proposed building, the dividing wall, greenbelt suggestions, outside patio, lighting, business hours, liquor license, traffic concerns, and further commented on the effects to the residential surroundings. The Members of the Board along with the petitioners of the property further addressed the residents concerns.

The Board members, Township Planning Consultant and Township Attorney further discussed the proposal.

**MOTION by KOEHS seconded by AUSILIO to table at the petitioner's request, item nos. 9,10 & 11; Special Land Use / Site Plan / Ground Sign Requests; Brann's Steakhouse & Grille; to the Planning Commission Meeting of April 6, 2004. Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005.**

**MOTION carried.**

Chairman GALLAGHER explained to all present that tabling the items to a specific date serves as a notice of Public Hearing.

10. Site Plan; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005.

*This item was tabled at the petitioners request to the Planning Commission Meeting of April 6, 2004. Refer to agenda item number 9.*

11. Ground Sign; Brann's Steakhouse & Grille; Located on the north side of Hall Road approximately 1/3 mile west of Romeo Plank Road; Sizzlin 5 LLC., Petitioner. Permanent Parcel No. 08-32-400-005.

*This item was tabled at the petitioners request to the Planning Commission Meeting of April 6, 2004. Refer to agenda item number 9.*

12. Site Plan; Waldenburg Plaza; Located on the southeast corner of 22 Mile Road and Romeo Plank Road (excluding the immediate corner); GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-010.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and stated his recommendations for approval.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

Mr. Schmeiser stated the proposal indicates two signs on Romeo Plank Road, and noted that only one sign is allowed.

Petitioner Present: Guy Rizzo and Mark Drain.

The petitioners held further discussion with the Members of the Board and Township Attorney regarding this proposal.

Public Portion: Kenneth Libby, a Township resident, stated his concerns regarding the proposal, zoning of the parcel identified, and discussed past actions restricting commercial developments for the property in question.

**MOTION by AUSILIO seconded by PENZIEN to approve the petitioners request for the Site Plan; Waldenburg Plaza; pursuant to the recommendation of the Township Planning Consultant with the additional caveat that acceleration, deceleration and a by-pass lane be added to the plan on 22 Mile Road and that the escrow funds for 50% of the pedestrian bridge be submitted as discussed. Permanent Parcel No. 08-28-101-010. This motion is based upon the Planning Consultants recommendations as follows:**

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.
4. The curb radii, curb cuts, including their location, deceleration lanes, by-pass lanes and other geometrics and designs, are subject to approval by the Macomb County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

6. **Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.**
7. **That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.**
8. **An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
9. **The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.**
10. **That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).**
11. **That all signs be designated on the site plan and meet the Township requirements.**
12. **That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.**
13. **MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.**

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited. Minor day to day, in and out display may be permitted when kept behind all established yard setback lines.
20. That all requirements of the Zoning Ordinance be met.
21. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture. Further, that the plan provide that no lights or glare from lights will shine into the abutting residential areas.
24. That one sign planned for Romeo Plank Road be removed from the site plan.
25. The petitioner participate in providing 50 percent of the cost of a pedestrian bridge to the east across the river.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

26. **A cross access agreement from this property to the excluding corner be submitted and approved by the Township Attorney and recorded with the Macomb County Register of Deeds.**

**MOTION carried.**

13. Ground Sign; Waldenburg Plaza; Located on the southeast corner of 22 Mile Road and Romeo Plank Road (excluding the immediate corner); GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-010.

*Item was tabled at the petitioner's request.*

**MOTION by KRZEMINSKI seconded by MEERSCHAERT to table, at the petitioners request, the Ground Sign; Waldenburg Plaza; Located on the southeast corner of 22 Mile Road and Romeo Plank Road (excluding the immediate corner); GTR Builders, Petitioner. Permanent Parcel No. 08-28-101-010.**

**MOTION carried.**

14. Special Land Use; North Avenue Compost Site-King of the Wind Farms; Located on the west side of North Avenue approximately ½ mile north of 24 Mile Road; Ron and Delores Michaels, Petitioner. Permanent Parcel No. 08-11-200-008.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations dated March 12, 2004 for the public hearing of March 16, 2004 for the Special Land Use; North Avenue Compost Site-King of the Winds Farms as follows:

Subject: Special Land Use Permit; North Avenue Compost Site for King of the Wind Farms; Located on the west side of North Avenue approximately ½ mile north of 24 Mile Road; Section 11; Ronald and Dolores Michaels, Petitioner.  
Permanent Parcel 08-11-200-008

**FINDINGS:**

The petitioner is requesting Special Land Use Permit for the above-described property. The permanent parcel number as referenced above is a 74 acre parcel out of 282 acres under control of the applicant. Sheet 1 of 6 of the drawings prepared by the engineers for the applicant (BMJ Civil Engineers & Land Surveyors) outlines the entire 282 acres while Sheets 2 and 3 represent the Original Topography and Site Plan for that part of the 74 acre parcel between the North Branch of the Clinton River and North Avenue that is requested for the Special Land Use.

The petitioner has not indicated how the 147,000 cu.yds. of compost created will be distributed.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

Characteristics of the property in question can be summarized as follows:

Current Zoning:	AG (Agricultural District)
Present Use:	The parcel in question is currently being used to haul, create and store compost. There will be a more complete description of the activity on-site below under the Site Plan discussion

Macomb Township Planning Commission

The general description of the surrounding properties is as follows:

The property to the north of the tract in question is zoned AG. The property is vacant and not part of the property under control of the applicant according to Sheet No. 1.

The properties to the south and west are zoned AG. These properties although under the control of the applicant are not part of the Special Land Use Application.

The properties to the east across North Avenue are zoned R-1 and contain lots within the Light Subdivision No. 1 and acreage parcel fronting North Ave.

The Master Plan depicts the area as residential and the Master Thoroughfare Plan indicates 120 feet of right-of-way for North Avenue.

The Building Official indicates that the property is within the 100-year floodplain.

The site plan submitted by the petitioner indicates the following:

The area of subject parcel east of the North Branch will be used for the composting operation. There is no indication on the plan that any composting activity will take place west of the Middle Branch or anywhere else on the properties under control of the applicants.

The compost activity will be divided on the site as follows:

- The east 450 ft. of the parcel will be used for a 'Spreading Field' and setback area. The 'Spreading Field' will setback approximately 85 ft. from the centerline of North Avenue and measure 900 ft. x 240 ft deep. The 'spreading field' will be no closer than 140 ft. from the north property line and extend right to the south property line which adjoins another parcel under the control of the applicant.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

- The balance of the site east of the North Branch will be used for three compost fields. The fields are separated from each other by 20' wide access aisle ways and 20' wide grass filter strips. The fields consist of rows of compost piles that typically measure 20' wide and extend for lengths of between 150' to 450' in length. The rows are separated by 15' aisle ways. The typical height for these piles is 12 ft.
- The volumes contained on-site based on the distribution as proposed would be up to 147,000 cubic yards of wind rowed piles; 2.30 acres of raw material storage & storage area which to be located in the north 200' of Field -3; and 1.72 acres of leaves curing & storage area which is located in Field-1 approximately 300 ft. west of the Jones Drain.
- The areas proposed for raw material and leaf curing and storage are in the same general areas those activities currently take place.
- With respect to the proposed compost piles in relationship to existing compost piles the only difference appears to be that the proposed piles will be more uniform in length and height than the existing piles.

The site plan also indicates boundaries of the 100 Year Flood Area based on the FEMA Flood Map. The rows of compost are shown in relationship to the flood boundary as interpreted by BMJ. The plan represents that there are no compost piles within the boundary of the 100 Year Flood Boundaries. It must be noted that the Township Consulting Engineer, Spalding DeDecker Associates, (SDA) has indicated in a letter addressed to the Township Clerk in this regard that there is no detailed topography available that shows pre-compost site conditions and the associated 100 year floodplain. The floodplain then as represented on the drawings as presented are at best an approximation by FEMA of floodplain limits.

SDA created a drawing to represent the 100-Year Flood Plain boundaries for subject parcel using the only pre-existing floodplain information available, the FIRM Community-Panel No. 260445-0010-B. SDA took the floodplain boundary from the above referenced panel and superimposed it onto the BMJ's 'Original Topography' plan. The map created by SDA from this process shows that SDA's estimate of pre-existing 100 year floodplain boundary occupies more of the compost site than as shown on the BMJ drawings. This is critical to the issue at hand since Sec. 10.0402 F, states that, "Compost shall not be located or applied on wet lands or floodplains as designated by the MDEQ."

SDA concludes its report by stating that a precise 100 year floodplain elevation has not been determined and the issue cannot be resolved without additional soils information and hydraulic studies of the on-site watercourses.

The Application for Special Land Use Approval for subject parcel does not include a "Crop Management Plan." Section 10.2401 (Special Land Use Permit Review Procedures) of the Zoning Ordinance requires the application must include the



MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

information supplied in the Crop Management Plan. The seven (7) categories of data that make up the crop management plan together with twelve (12) others listed within Section 10.0403 P. of the Zoning Ordinance are intended to demonstrate the impact the proposed composting operation will have on the subject parcel and surrounding parcels. It will also enable the Township to determine if in fact the extent of composting proposed or existing is permitted as presently zoned.

The applicant has submitted a document entitled, "December 2003-2006 Volume Assessment and Nutrient Utilization Plan for The King of the Wind Farms, Inc." by American Farm Environment, LLC, December 2003. This three page document consists of a series of tables relating to "Crop Requirements" for 2004, 2005, and 2006 identified as Table 11b; 11c; and 11d- KOTWF Nutrient Utilization. Given how the tables are numbered it appears they are part of a document that has not been supplied to the Township. The analysis of these tables could be part of information required as part of crop management plan. There remain many other elements of the required crop management plan that are not part of this application including the following:

- a. Identification of crops that will be grown, acreages and realistic expected yields. ***This information has not been supplied as part of this application.***
- b. A map showing or a written description of the location of the fields in which each crop will be grown and harvested. ***This information has not been supplied as part of this application.***
- c. A map showing or a written description of the location of fields which will lie fallow. ***This information has not been supplied as part of this application.***
- d. Written results of soil fertility test conducted by the MSU Soil and Plant Nutrient Laboratory, or equivalent testing agency. ***This information may be included in the above tables but there is a need for interpretation of data in tables.***
- e. Plant nutrient recommendations, consistent with those of the MSU Soil and Plant Nutrient Laboratory, to determine total compost applications. ***This information may be included in the above tables but there is a need for interpretation of data in tables.***
- f. Analysis of compost to determine the nutrient content of the compost. ***This information may be included in the above tables but there is a need for interpretation of data in tables.***
- g. Compost nutrient loadings; consistent with MSU nutrient application recommendations. ***This information may be included in the above tables but there is a need for interpretation of data in tables.***
- h. The area of land expressed in square feet per crop acre for which composting is being requested. ***This information has not been supplied as part of this application.***
- i. Description of material that will be composted. ***This information may be included in the above tables but there is a need for interpretation of data in tables.***
- j. Origin of organic material to be composted. ***This information has not been supplied as part of this application.***

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

- k. Location of crop land on which compost will be applied. ***This information has not been supplied as part of this application.***
- l. Describe method of composting which will be utilized. ***This information has not been supplied as part of this application.***
- m. Method by which compost will be applied to the crop land. ***This information has not been supplied as part of this application.***
- n. Management Plan for the off-site separation of inorganic and toxic matter. ***This information has not been supplied as part of this application.***
- o. Describe the type of equipment, which will be utilized in the composting process. ***This information has not been supplied as part of this application.***
- p. Management Plan for control of: Odor; Drainage; Dust; Noise; Rodents, flies and other living nuisances. ***This information has not been supplied as part of this application.***
- q. Identification of: The haul routes; days and hours of deliveries; time of year deliveries will be made; and frequency that material will be delivered. ***The haul routes are noted on the site plan drawing but the days and hours of deliveries; time of year etc. have not been provided.***
- r. Number of employees who are involved in the handling of the organic matter and processing of compost. ***This information has not been supplied as part of this application.***
- s. Description of each piece of machinery that will be utilized in the handling of the organic matter and processing of compost. ***This information has not been supplied as part of this application.***

RECOMMENDATIONS:

It is recommended that the Special Land Use Permit for the North Avenue Compost Site be DENIED for the following reasons:

- 1. The Township Zoning Ordinance requires that compost shall not be located in floodplains. Based on the findings and report submitted by the Township Engineer, the areas designated for compost rows are within the pre-existing 100 year floodplain boundary as determined by SDA.
- 2. The type of composting being conducted on subject site is not considered to be Agricultural composting as regulated by the Macomb Township Ordinance. The Township Ordinance allows the farmer to create, store, and manage compost in sufficient amounts to utilize on a typical farm found in Macomb Township. It is not intended to be a commercial operation where compost is created primarily from material trucked to the site, stored in permanent locations, and distributed off the site. It is noted that the petitioner indicates that a recent purchase of 45 acres in Richmond will be a future site for spreading compost created in Macomb Township. Private composting by definition in the Zoning Ordinance refers to matter generated for reuse within the property, not shipped off-site.

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

3. The Township Zoning Ordinance provides for a separate zoning district (Special Land Development District –SLD) that allows for commercial composting. The subject parcel is zoned AG not SLD.
4. The applicant has not supplied required information as noted above in the Findings that might demonstrate how the plan as presented could meet the tests for an Agricultural composting site that exceeds four hundred feet of crop land per crop acre including how the 147,000 cu. yds. of compost will be distributed. Of the nineteen data categories the applicant has supplied no information for thirteen of the categories. The other six categories cannot be determined without interpretation of the data supplied in tables taken from an unnamed document.

The ten documents submitted by the applicant on February 27, 2004, although voluminous including numerous charts and tables, do not provide for specific answers as required by the Zoning Ordinance. Therefore, CPC concludes that these ten documents is a series of reports which may or may not include the information required pursuant to Sec. 10.0403 P.

It is also suggested that the Planning Commission move to receive and file all correspondence in connection with this item.

Petitioner Present: Ron and Delores Michaels

Public Portion: Several Township residents expressed their opposition to the current proposal.

The Members of the Board held further discussion with the petitioner, residents, Planning Consultant and Township Attorney.

**MOTION by AUSILIO seconded by THOEL to deny the petitioners request Special Land Use; North Avenue Compost Site-King of the Wind Farms; pursuant to the Planning Consultants recommendations. Permanent Parcel No. 08-11-200-008. This motion is based upon the Planning Consultants recommendations as follows:**

1. **The Township Zoning Ordinance requires that compost shall not be located in floodplains. Based on the findings and report submitted by the Township Engineer, the areas designated for compost rows are within the pre-existing 100 year floodplain boundary as determined by SDA.**
2. **The type of composting being conducted on subject site is not considered to be Agricultural composting as regulated by the Macomb Township Ordinance. The Township Ordinance allows the farmer to create, store, and manage compost in sufficient amounts to utilize on a typical farm found in Macomb**

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**Township. It is not intended to be a commercial operation where compost is created primarily from material trucked to the site, stored in permanent locations, and distributed off the site. It is noted that the petitioner indicates that a recent purchase of 45 acres in Richmond will be a future site for spreading compost created in Macomb Township. Private composting by definition in the Zoning Ordinance refers to matter generated for reuse within the property, not shipped off-site.**

- 3. The Township Zoning Ordinance provides for a separate zoning district (Special Land Development District –SLD) that allows for commercial composting. The subject parcel is zoned AG not SLD.**
- 4. The applicant has not supplied required information as noted above in the Findings that might demonstrate how the plan as presented could meet the tests for an Agricultural composting site that exceeds four hundred feet of crop land per crop acre including how the 147,000 cu. yds. of compost will be distributed. Of the nineteen data categories the applicant has supplied no information for thirteen of the categories. The other six categories cannot be determined without interpretation of the data supplied in tables taken from an unnamed document.**

**The ten documents submitted by the applicant on February 27, 2004, although voluminous including numerous charts and tables, do not provide for specific answers as required by the Zoning Ordinance. Therefore, CPC concludes that these ten documents is a series of reports which may or may not include the information required pursuant to Sec. 10.0403 P.**

**MOTION carried.**

- 15. Motion to receive and file all correspondence in connection with this agenda.**

**MOTION by PENZIEN seconded by THOEL to receive and file all correspondence in connection with this agenda of March 16, 2004.**

**MOTION carried.**

**PLANNING CONSULTANTS COMMENTS:**

Mr. Schmeiser briefly updated the Board on future Township Zoning Ordinance Amendments that will be discussed and reviewed.

**BOARD COMMENTS:**

**ADJOURNMENT:**

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, MARCH 16, 2004

**MOTION by PENZIEN seconded by KOEHS to adjourn this meeting of March 16, 2004 at 9:45 p.m.**

**MOTION carried.**

Respectfully submitted,

---

Edward Gallagher, Chairman

---

Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk

MDK/gmb